

25

00-R-0798

Entered - 05/30/00 - sb  
CL00L0325 - DIANNE C. MITCHELL

CLAIM OF: FRANCINE SPARACINO,

through her attorney,

Jeffrey Flynn

Suite 414

1447 Peachtree Street, NE

Atlanta, Georgia 30309

For damages alleged to have been sustained as a  
result of a personal injury on May 15, 2000 at  
1422 Piedmont Avenue.

THIS ADVERSED REPORT IS  
APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

# ADVERSE REPORT

DM. JS-LA

6/13/00

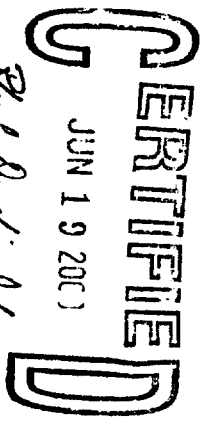
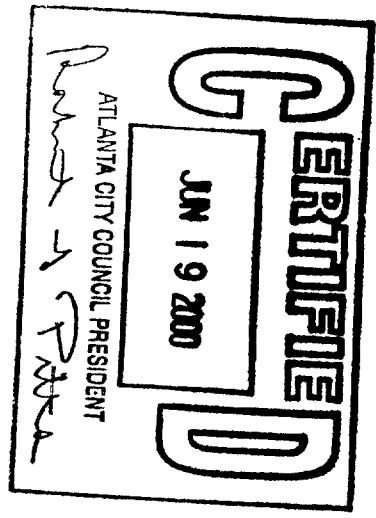
*C. T. Martin*

*John J. ...*

*William ...*

*...*

*...*



*Rosalind Rubens Newell*  
MUNICIPAL CLERK

ADVERSED BY  
CITY COUNCIL JUN 19 2000



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

July 3, 2000

Jeffrey Flynn  
Attorney at Law  
1447 Peachtree St., NE  
Suite 414  
Atlanta, GA 30309

**00-R-0798**

**RE: Francine Sparacino**

Dear Attorney Flynn:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 19, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

*Rhonda Dauphin Johnson*

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0325

Date: June 1, 2000

Claimant /Victim FRANCINE SPARACINO  
 BY: (Atty) Jeffrey Flynn  
 Address: Suite 414, 1447 Peachtree Street, NE, Atlanta, Georgia 30309  
 Subrogation:          Claim for Property damage \$          Bodily Injury \$ 500,000.00  
 Date of Notice: 05/22/00 Method: Written, proper X Improper           
 Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
 Date of Occurrence 05/15/99 Place: 1422 Piedmont Avenue  
 Department          Division:           
 Employee involved          Disciplinary Action:         

**NATURE OF CLAIM:** The claimant alleges she was injured while residing at the above location when another tenant assaulted her. The investigation determined that this location is owned and operated by the Atlanta Housing Authority, which is a separate legal entity from the City of Atlanta. The claimant's attorney has been advised of the above.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
 Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
 Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
 Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_  
 Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
 City not involved \_\_\_\_\_ X \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
 Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
 Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse ☒ Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
 Claims Manager: Mina Lucke Concur/date 06-01-07  
 Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

# MORRISS & WITCHER

A Professional Association

ATTORNEYS AT LAW

SUITE 414

1447 PEACHTREE STREET, NE

ATLANTA, GEORGIA 30309

Fax (404) 881-1433

Telephone (404) 881-1700

*Mitchell*  
*05/23/00*  
*DR*

WINSTON H. MORRISS (1946-1994)

ROBERT P. WITCHER P.C.

JEFFREY FLYNN, P.C.

JONATHAN HOEL

of counsel:

GERALD TALANSKY

CARL RAUSCHENBERG

ENTERED - 5-30-00 -SB

00L0325 - DIANNE MITCHELL

May 19, 2000

## Ante-Litem Notice

Robb Pitts  
President, Atlanta City Council  
55 Trinity Street  
Suite 2900  
Atlanta, Georgia 30335

MAY 23 2000

Mayor Bill Campbell  
55 Trinity Avenue SW  
Suite 2400  
Atlanta, Georgia 30335

RE: Francine Sparacino  
Date of Birth: 12/17/44  
Date of Loss: May 15, 2000  
Location of Property: 1422 Piedmont Avenue, Apt. B-6  
Atlanta, Georgia 30309

Dear Mr. Pitts and Mayor Campbell:

This is to inform you that a claim is being made as per O.C.G.A. Section 36-33-5, against the city of Atlanta for personal injuries to the above referenced person as a result of the negligence of the City and its employees, as well as the failure of the City of Atlanta Housing Authority to perform their duties.

The time of the incident is above, the location of the incident is above, the extent of the injury is that the above referenced person suffered a severe beating, resulting in mental and physical injuries as a result of being assaulted. Ms. Sparacino was beaten after several threats by Ms. Dennis to beat

PITTS/CAMPBELL

May 19, 2000

Page Two


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her up and/or kill her, which she reported to The Atlanta Housing Authority and the Complex Security.

Ms. Sparacino also reported additional offenses of Ms. Dennis, which were ignored. At this time, Ms. Dennis has not been arrested, evicted or being held for charges filed in the assault and continued threats on the health and life of Ms. Sparacino, therefore she has the opportunity to continue to hurt, harrass or kill Ms. Sparacino.

The amount of the loss is in excess of \$500,000.00, due to the severe trauma of having been assaulted.

Sincerely,



Jeffrey Flynn  
Attorney at Law

JF/khm

RCS# 2016  
6/19/00  
2:32 PM

Atlanta City Council

Regular Session

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Consent Agenda Pages (1 - 8)

ADOPT

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	B Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-0795  
00-R-0831

PRESIDENT PITTS RECUSED ON 00-  
O-0756.

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<b>06/19/00 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT AGENDA</b>	<b>ITEMS ADVERSED ON CONSENT AGENDA</b>
<ol style="list-style-type: none"> <li>1. 00-O-0756*</li> <li>2. 00-O-0626</li> <li>3. 00-O-0749</li> <li>4. 00-O-0760</li> <li>5. 00-O-0829</li> <li>6. 00-O-0836</li> <li>7. 00-O-0709</li> <li>8. 00-O-0710</li> <li>9. 00-R-0750</li> <li>10. 00-R-0817</li> <li>11. 00-R-0839</li> <li>12. 00-R-0529</li> <li>13. 00-R-0813</li> <li>14. 00-R-0717</li> <li>15. 00-R-0823</li> <li>16. 00-R-0841</li> <li>17. 00-R-0819</li> <li>18. 00-R-0822</li> <li>19. 00-R-0828</li> <li>20. 00-R-0810</li> <li>21. 00-R-0856</li> </ol>	<ol style="list-style-type: none"> <li>22. 00-R-0796</li> <li>23. 00-R-0797</li> <li>24. 00-R-0798</li> <li>25. 00-R-0799</li> <li>26. 00-R-0800</li> <li>27. 00-R-0801</li> <li>28. 00-R-0802</li> <li>29. 00-R-0803</li> <li>30. 00-R-0804</li> <li>31. 00-R-0805</li> <li>32. 00-R-0806</li> <li>33. 00-R-0807</li> <li>34. 00-R-0808</li> <li>35. 00-R-0809</li> </ol> <p><b>*PRESIDENT PITTS RECUSED ON 00-O-0756.</b></p>